

Remarks

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Claims 1, 18, and 47 have been amended, claim 20 has been cancelled, and new claims 49-56 have been introduced. New claims 49-56 find descriptive support in original claims 1 and 14-19. Therefore, no new matter has been introduced.

The rejection of claims 1-20 under 35 U.S.C. § 112 (1st para.) for failing to satisfy the written description requirement is respectfully traversed in view of the above amendments.

The rejection of claims 18 and 19 under 35 U.S.C. § 112 (1st para.) for failing to satisfy the written description requirement is respectfully traversed in view of the above amendments.

The rejection of claims 1-19 under 35 U.S.C. § 112 (1st para.) for failing to satisfy the written description requirement is respectfully traversed in view of the above amendments.

The rejection of claims 1 and 14-20 under 35 U.S.C. § 112 (2nd para.) for indefiniteness is respectfully traversed in view of the above amendments.

The rejection of claims 1, 3, 14-17, and 20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,789,443 to Gollobin et al. (“Gollobin”) is respectfully traversed in view of the above amendments. Claim 1 no longer reads on treating hot flashes. Therefore, the rejection should be withdrawn.

The rejection of claims 47 and 48 under 35 U.S.C. § 102(b) as being anticipated by Gollobin is respectfully traversed in view of the above amendments.

Gollobin teaches the treatment of hot flashes by administration of L-leucine alone or in combination with L-isoleucine and L-valine.

Claim 47 has been amended to omit L-leucine and L-isoleucine. Because Gollobin fails to teach or suggest the composition as presently claimed, the rejection is improper and should be withdrawn.

The rejection of claims 1-6, 14-17, and 20 under 35 U.S.C. § 103(a) for obviousness over Gollobin in view of WO 01/68069 to Henry et al. (“Henry”) and U.S. Patent 6,149,924 to Paul et al. (“Paul”) is respectfully traversed.

The teachings and deficiencies of Gollobin are noted above.

Henry discloses methods for treating cough or asthma, including administering methionine.

Paul teaches a composition for enhancing the production of epidermal lipids, resulting from an admixture which includes one or more derivatives or metabolites of branched chain amino acids, including norleucine, alloisoleucine, and leucine.

The PTO asserts that it would have been obvious to use the teachings of the above-cited references to treat conditions as claimed.

Applicant disagrees, because the combination of Gollobin, Henry, and Paul fails to teach or suggest each and every limitation of claims 1-6 and 14-17. None of these references makes any suggestion to treat the conditions presently recited in claim 1; therefore the rejection should be withdrawn.

Applicant further submits that new claims 49-56 (which recite methods of treating hot flashes) are allowable over Gollobin, Henry, and Paul. Although Gollobin discloses a method for treating hot flashes that requires administering leucine, alone or in combination with isoleucine and valine, there is no teaching or suggestion in either Gollobin or the secondary references that any of the naturally occurring or non-naturally occurring amino acids recited in claims 49-56 would have been useful to treat hot flashes. For these reasons, claims 49-56 are allowable over the art of record.

In view of all of the foregoing, applicant submits that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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